



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/654,418

09/05/2003

Hiroshi Yamaguchi

242220US6

5828

22850

7590

10/15/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

WHIPPLE, BRIAN P

ART UNIT

PAPER NUMBER

2452

NOTIFICATION DATE

DELIVERY MODE

10/15/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/654,418	YAMAGUCHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	BRIAN P. WHIPPLE	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

#### DETAILED ACTION

1. Claims 1-11 are pending in this application and presented for examination.

#### ***Response to Arguments***

2. Applicant's arguments filed 5/22/09 have been fully considered but they are not persuasive.
3. As to claim 1, Applicant argues a “single connection to a single network” is disclosed as opposed to an automatic establishing of a second connection to the network. The Examiner respectfully disagrees and directs Applicant to Fig. 1A, which discloses a plurality of connections to the network. Additionally, the cited sections (see the rejection below) discuss the automatic establishment of the connection.
4. Applicant's remaining arguments with respect to claims 1-11 have been considered, but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5-6, 8-9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blewett et al. (Blewett), U.S. Patent No. 7,131,141 B1, in view of Cho, Patent No. 6,922,728 B2, and further in view of Official Notice (See MPEP 2144.03).

7. As to claim 1, Blewett discloses an information processing apparatus having an interface for connection with networks (Abstract), the information processing apparatus comprising:

managing means for managing settings for connectable networks as profiles on a network by network basis (Fig. 1A; Fig. 1C; Col. 6, ln. 62-66);

detecting means for detecting a first connection to a detected network (Fig. 1A; Col. 6, ln. 62-66; Col. 10, ln. 14-22; Col. 11, ln. 18-29);

determination means for determining whether the managing means manages a managed profile corresponding to the detected network when the detecting means has detected the first connection to the detected network (Col. 11, ln. 18-29; the network is managed if it is detected to be a member of the VPN, else is not managed if it from the untrusted network);

establishing means for automatically establishing a second connection to the detected network based on the managed profile if the determination means determines that the managing means manages the managed profile corresponding to the detected network (Col. 8, ln. 52-55, “automatically translates the destination address and routes the packet to the proper host in the worknet”; Col. 11, ln. 18-32, “rule set assures that only packets from the protected resource network are accepted from the tunnel, and that only packets bound for worknet are accepted from the tunnel”; Col. 11, ln. 53 – Col. 12, ln. 18).

Blewett is silent on said establishing means including a switcher configured to switch access to the detected network from the first connection to the second connection when a predetermined condition is determined to exist, and said switcher includes an icon display mechanism configured to produce an icon on a display that notifies a user that the switcher is an active process.

However, Cho discloses said establishing means including a switcher configured to switch access to the detected network from the first connection to the second connection when a predetermined condition is determined to exist (Col. 12, ln. 18-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blewett in the aforementioned manner as taught by Cho in order to automatically switch the connection used to access the Internet based on the best available connection at the time (Cho: Col. 12, ln. 18-44).

Blewett and Cho are silent on said switcher includes an icon display mechanism configured to produce an icon on a display that notifies a user that the switcher is an active process.

However, Official Notice is taken that a switcher including an icon display mechanism configured to produce an icon on a display that notifies a user that the switcher is an active process was well known in the art at the time of the invention. Displaying an icon or notification graphic to a user based on active processes was well known (e.g., displaying a notification in the system tray when a network connection is switched, for example, to another wireless network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blewett and Cho in the aforementioned manner as was well known in the art in order to display information to a user via a convenient means in a graphical user interface.

8. As to claim 3, Blewett and Cho disclose the invention substantially as in parent claim 1, wherein the detecting means detects, as the first connection, a connection to a detected gateway that manages a network (Blewett: Col. 10, ln. 14-22),

wherein the determination means determines whether the managing means manages a profile relating to the detected gateway (Blewett: Col. 10, ln. 14-22; Col. 11, ln. 18-29 and 53-55), and

wherein the establishing means establishes the second connection to the detected gateway in accordance with the managed profile relating to the detected gateway (Blewett: Col. 11, ln. 53 – Col. 12, ln. 18).

9. As to claim 5, Blewett and Cho disclose the invention substantially as in parent claim 1, wherein using an IP address, the determination means determines whether the managing means manages the managed profile, relating to the detected network detected by the detecting means (Blewett: Col. 11, ln. 18-29 and 53-55).

10. As to claim 6, Blewett and Cho disclose the invention substantially as in parent claim 1, wherein if the interface of the detected network is one of a wired LAN interface and a wireless LAN interface, the first connection is a connection to a gateway that manages the detected network, and the second connection is a connection to another apparatus through the gateway (Blewett: Fig. 1A; Col. 3, ln. 25-38), and

wherein if the interface of the detected network is a modem, the first connection is a connection to an ISP, and the second connection is a connection to another apparatus through the ISP (Blewett: Col. 3, ln. 17-21 and 38-42).

11. As to claims 8-9 and 11, the claims are rejected for reasons similar to claim 1 above.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blewett and Cho as applied to claim 1 above, in view of Ogle et al. (Ogle), U.S. Patent No. 6,052,736.

13. As to claim 2, Blewett and Cho disclose the invention substantially as in parent claim 1, wherein the detecting means detects the first connection to the detected network (Blewett: Col. 11, ln. 18-29), but is silent on the detecting step occurring by determining whether or not a routing table is modified.

However, Ogle discloses the detecting step occurring by determining whether or not a routing table is modified (Col. 6, ln. 11-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blewett and Cho by determining whether or not a routing table is modified as taught by Ogle in order to reduce the overhead associated with creating and maintaining a routing table (Ogle: Col. 5, ln. 37-50).



14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blewett and Cho as applied to claim 1 above, in view of Beck, U.S. Patent No. 6,671,273 B1.

15. As to claim 4, Blewett and Cho disclose the invention substantially as in parent claim 1, wherein the detecting means detects the first connection to the detected network (Blewett: Col. 11, ln. 18-29), and determining whether the managing means manages the profile relating to the detected network detected by the detecting means (Col. 11, ln. 18-29).

Blewett and Cho are silent on counter means for counting up by one when the detecting means detects the first connection to the detected network, and

zero determination means that determines whether a subtracting of one from the count of the counter means makes zero when the detecting means detects the first connection to the detected network,

wherein the zero determination means determines whether the managing means manages the managed profile relating to the detected network detected by the detecting means when the zero determination means determines that subtracting of one from the counter of the counter means makes zero,

wherein the establishing means establishes the second connection to the detected network in accordance with the managed profile relating to the detected network while the

zero determination means determines that the subtracting of one from the count of the counter means makes zero.

However, Beck discloses counter means for counting up by one when the detecting means detects the first connection to the detected network (Fig. 4; Col. 5, ln. 27-30 and 43-48), and

zero determination means that determines whether a subtracting of one from the count of the counter means makes zero when the detecting means detects the first connection to the detected network (Col. 6, ln. 52-61),

wherein the zero determination means determines whether the managing means manages the managed profile relating to the detected network detected by the detecting means when the zero determination means determines that subtracting of one from the counter of the counter means makes zero (Col. 6, ln. 52-61),

wherein the establishing means establishes the second connection to the detected network in accordance with the managed profile relating to the detected network while the zero determination means determines that the subtracting of one from the count of the counter means makes zero (Col. 6, ln. 52-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blewett and Cho by examining a counter to determine if registration (i.e. management) of a connection needs to occur as taught by Beck in order to

minimize the overhead operations associated with registering (i.e. managing) connections (Beck: Col. 2, ln. 46-52).

16. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blewett and Cho as applied to claim 1 above, in view of Winkler, U.S. Publication No. 2003/0070100 A1.

17. As to claim 7, Blewett and Cho disclose the invention substantially as in parent claim 1, wherein a second connection to the network is established by the establishing means (Blewett: Col. 11, ln. 53 – Col. 12, ln. 18), but are silent on starter means which automatically starts a predetermined software application set by a user when the second connection to the network is established by the establishing means.

However, Winkler discloses starter means which automatically starts a predetermined software application set by a user when the second connection to the network is established by the establishing means ([0012]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blewett and Cho by automatically starting a predetermined software application set by a user when a connection to the network is established as taught by Winkler in order to authenticate a user and then launch the desired application for the user ([0008]; [0012]).

18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blewett and Cho as applied to claim 3 above, in view of Koyanagi et al. (Koyanagi), U.S. Publication No. 2001/0013067 A1.

19. As to claim 10, Blewett and Cho disclose the invention substantially as in parent claim 3, wherein said detecting means detects, as said first connection, plural connections to plural gateways (Blewett: Fig. 1A), and said establishing means automatically establishes said second connection to the gateway of the managed profile (Blewett: Col. 8, ln. 52-55, “automatically translates the destination address and routes the packet to the proper host in the worknet”; Col. 11, ln. 18-32, “rule set assures that only packets from the protected resource network are accepted from the tunnel, and that only packets bound for worknet are accepted from the tunnel”; Col. 11, ln. 53 – Col. 12, ln. 18).

Blewett and Cho are silent on establishing a connection to a gateway which has a lowest value of a metric.

However, Koyanagi discloses establishing a connection to a gateway which has a lowest value of a metric (Abstract; [0056]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Blewett and Cho by establishing a connection to a

gateway which has a lowest value of a metric as taught by Koyanagi in order select an appropriate network for data transmission based on either a lowest data transmission time or a lowest data transmission fee (Koyanagi: [0056]).

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (11:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P. Whipple  
/B. P. W./  
Examiner, Art Unit 2452  
10/5/09

/Dohm Chankong/  
Primary Examiner, Art Unit 2452